

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

SAGENT TECHNOLOGY, INC  
Plaintiff

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CIVIL ACTION JFM-02-2505

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vs.

Baltimore, Maryland

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MICROS SYSTEMS, INC.  
Defendant

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January 22, 2003

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Deposition of PETER ROGERS, JR., a witness

of lawful age, taken on behalf of the Plaintiff in the

above-entitled cause, pending in the District Court of

the United States for the District of Maryland, before

Dawn L. Venker, a Notary Public in and for Baltimore

County, Maryland, at 7031 Columbia Gateway Drive,

Columbia, Maryland 21046, on the 22 day of January,

2003.

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APPEARANCES:

SCOTT H. PHILLIPS, Esquire  
For the Plaintiff

MICHAEL H. TOW, Esquire  
For the Defendant

Reported By: Dawn L. Venker

Peter Rogers, Jr. - 1/22/03

<p style="text-align: right;">18</p> <p>1 Q When you say "specific numbers," do I 2 understand that to be the number of licenses and the 3 exact discount that Sagent was offering you, those 4 sorts of things?</p> <p>5 A Yes.</p> <p>6 Q Did you consider the representation that 7 Sagent had made regarding return of the product for a 8 full refund an important statement made by the company 9 at that time?</p> <p>10 A Yes.</p> <p>11 Q Let me hand you, Mr. Rogers, what we'll 12 mark as Exhibit Number 1.</p> <p>13 (Rogers Deposition Exhibit Number 1 was 14 marked by the reporter.)</p> <p>15 Q I'll ask you if you can identify that, sir?</p> <p>16 A This is a memo that I generated to Dan 17 VanVeelen providing a purchase order for MICROS to 18 Sagent to acquire the data access package and 19 analytical calculator.</p> <p>20 Q That is your signature at the bottom of the 21 first page there?</p>	<p style="text-align: right;">20</p> <p>1 the print on this is somewhat fuzzy because it has been 2 copied a number of times, but it looks like the date on 3 this price quote is June 20th, 2000. Do you see that 4 in upper right?</p> <p>5 A 6-20.</p> <p>6 Q Does that sound about right in terms of 7 when you received this price quote from Sagent?</p> <p>8 A I don't remember, but quite conceivably.</p> <p>9 Q Let me ask you to look down in the box 10 there. There is an item for technical support and 11 upgrades. Do you see that?</p> <p>12 A Yes.</p> <p>13 Q And to the right of that there's a printed 14 number that has been stricken through, and then it 15 looks like someone wrote 24,000 in place of that. Do 16 you see that?</p> <p>17 A Yes.</p> <p>18 Q Do you know who did that?</p> <p>19 A No.</p> <p>20 Q Do you know why that would have been done?</p> <p>21 A I think the far right -- I believe that the</p>
<p style="text-align: right;">19</p> <p>1 A Yes.</p> <p>2 MR. PHILLIPS: For the record, Exhibit 1 is 3 comprised of a two-page document bearing Sagent Bates 4 numbers 32 and 33.</p> <p>5 Q What was your understanding as of June 6 30th, 2000 as to who Mr. VanVeelen was?</p> <p>7 A Mr. VanVeelen was the regional manager who 8 was the direct sales contact and technical contact to 9 MICROS from Sagent.</p> <p>10 Q Did you actually type this letter on your 11 computer?</p> <p>12 A Yes.</p> <p>13 Q And you read it before you signed it 14 obviously?</p> <p>15 A Yes.</p> <p>16 Q And on page 2 of this document, which is 17 S33, can you identify that for me?</p> <p>18 A This is the quote provided from Sagent to 19 myself that I was to attach to the letter authorizing 20 the acquisition of the product.</p> <p>21 Q Now, I think that the -- I'll admit that</p>	<p style="text-align: right;">21</p> <p>1 license fee number was different than the total. This 2 was a matter of matching up.</p> <p>3 Q And is that your signature at the bottom of 4 this page?</p> <p>5 A Yes.</p> <p>6 Q How about the handwriting above and below 7 it which reads, "Approved June 30, 2000. VP business 8 development."</p> <p>9 A That is my handwriting.</p> <p>10 Q Now, does the purchase order that you 11 issued on June 30th, 2000 reflect the same product mix 12 and price that is seen in the quote received from 13 Sagent?</p> <p>14 A Yes. As far as my knowledge. My cover 15 letter designated the software number and the technical 16 support number.</p> <p>17 Q Is it your contention that MICROS has paid 18 to Sagent any portion of the \$136,000 reflected on both 19 the quote and your purchase order?</p> <p>20 A I have no contention. I'm not aware of us 21 paying them.</p>

<p style="text-align: right;">42</p> <p>1 I believe that is escalating.</p> <p>2 Q That's a component of damages that you are</p> <p>3 alleging in this case?</p> <p>4 A I'm not sure how to answer that.</p> <p>5 Q Have you been asked to provide any</p> <p>6 information with regard to the damages that are alleged</p> <p>7 and are prayed for in the counter-claim?</p> <p>8 A No.</p> <p>9 Q I think that's all I have for you on that</p> <p>10 one. Thank you.</p> <p>11 MR. TOW: Should we mark that now and copy</p> <p>12 it later?</p> <p>13 MR. PHILLIPS: Well, at the end of the</p> <p>14 deposition as Exhibit Number 3 the answers to</p> <p>15 interrogatories which Mr. Rogers has been asked about</p> <p>16 and has spoken to this morning -- this afternoon.</p> <p>17 (Rogers Deposition Exhibit Number 3 was</p> <p>18 marked by the reporter.)</p> <p>19 Q You heard Mr. Callnin speak this morning</p> <p>20 about the 12000 Baltimore Avenue address in Beltsville,</p> <p>21 correct?</p>	<p style="text-align: right;">44</p> <p>1 A I'm not contending that at all.</p> <p>2 Q That would have included the analytical</p> <p>3 calculator? Are you contending that Sagent never</p> <p>4 shipped that?</p> <p>5 A I'm not contending that they didn't. I</p> <p>6 just know that I placed an order for software.</p> <p>7 Q Did you receive confirmation from anyone at</p> <p>8 MICROS that the totality of that order had, in fact,</p> <p>9 been received from Sagent at some point?</p> <p>10 A I received indication that a package was</p> <p>11 delivered. Specific contents -- I actually physically</p> <p>12 received the package from the people in Beltsville. So</p> <p>13 I physically received a box, and I, in turn, then</p> <p>14 turned it over to Mr. Callnin. I did not open it. I</p> <p>15 do not know the date of receipt.</p> <p>16 Q You heard Mr. Callnin talk this morning</p> <p>17 about what he in turn did with that box, namely put it</p> <p>18 on the shelf, right?</p> <p>19 A Yes.</p> <p>20 Q Is that -- is your understanding consistent</p> <p>21 with that testimony?</p>
<p style="text-align: right;">43</p> <p>1 A Yes.</p> <p>2 Q And he also testified I believe that at</p> <p>3 least as of the fall 2000 time frame the receiving</p> <p>4 department was at that address?</p> <p>5 A Yes.</p> <p>6 Q Do you know who worked in the receiving</p> <p>7 department in Beltsville as of that time?</p> <p>8 A Specifically, no. I may know of some</p> <p>9 people that were in shipping or receiving. Sort of a</p> <p>10 general term.</p> <p>11 Q Do you know who received the Sagent</p> <p>12 software that was received at that address in the fall</p> <p>13 2000 time frame?</p> <p>14 A No.</p> <p>15 Q Do you know -- would you agree with Mr.</p> <p>16 Callnin that the Sagent software was, in fact, received</p> <p>17 at the Beltsville location in fall 2000 time frame?</p> <p>18 A I'll say it was received at the Beltsville</p> <p>19 location. I don't know the exact date.</p> <p>20 Q You don't -- you are not contending that</p> <p>21 the Sagent was never shipped to MICROS by Sagent?</p>	<p style="text-align: right;">45</p> <p>1 A I have no reason to dispute that.</p> <p>2 Q Do you know if MICROS made any copies of</p> <p>3 software at any time?</p> <p>4 A I do not know. We have a corporate policy</p> <p>5 against copying software illegally.</p> <p>6 Q Is it your understanding that at some point</p> <p>7 the software was returned to Sagent?</p> <p>8 A Yes.</p> <p>9 Q Do you know when?</p> <p>10 A Approximately December 2001.</p> <p>11 Q Do you have an understanding as to whether</p> <p>12 the return of the software to Sagent occurred in one</p> <p>13 mailing or two mailings or more?</p> <p>14 A I don't know.</p> <p>15 Q You heard Mr. Callnin talk this morning</p> <p>16 about how the software was treated for tax purposes</p> <p>17 while it was physically here at MICROS. Do you recall</p> <p>18 that testimony?</p> <p>19 A I do not.</p> <p>20 Q You don't recall that testimony?</p> <p>21 A No, I do not.</p>